



Shellfish – Aquaculture Enhancement Zones

March 18, 2008

Technical Advisory Committee Meeting

Governor Kaine Initiative

- Safeguard important shellfish habitat areas and the sustainability of Virginia's aquaculture industry by providing additional water quality protection for these waters on Virginia's Eastern Shore.
- Enhance high quality waters which are especially well-suited for shellfish or aquaculture operations.
- Support aquaculture by encouraging alternatives to the discharge of wastewater from treatment facilities on the Eastern Shore.



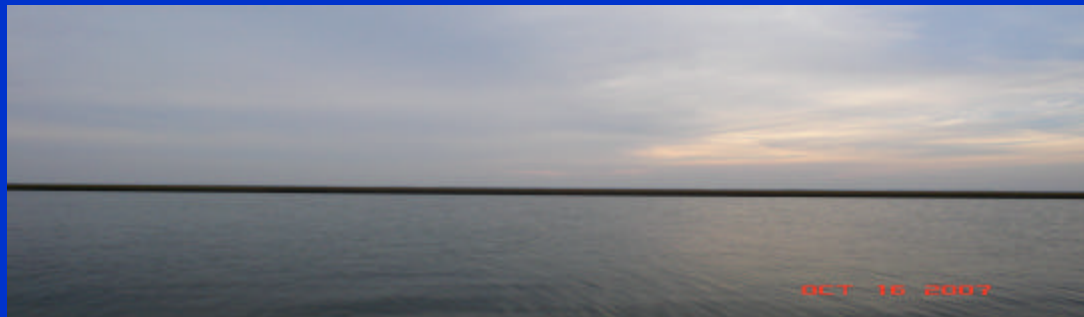
DEQ and Aquaculture Today

- The State Water Control Board has seen controversy generated over proposed new developments, with concern expressed over the associated discharges into Eastern Shore waters, especially seaside water.
- The Seaside Heritage Program is now moving into a management plan phase that strives to both protect coastal resources and ensure the growth of sustainable industries such as shellfish farming and ecotourism that depend on high water quality.



Published Notice of Intended Regulatory Action

- Begins regulatory process
- Purpose: enhance high quality waters which are especially well-suited for shellfish or aquaculture operations
- Provide suggestions on how to do this



NOIRA Questions

- What use will the rule focus on? Aquaculture / Shellfish / Both
- What pollution source will the rule focus on? Sewage
- Where should the rule apply? The Notice focused on the Eastern Shore, both seaside and Bay side.



Possible Changes To Water Quality Standards

- Include into the WQS a new designation of “Aquaculture Enhancement Zones or Areas” for the waters that are used or could reasonably be used for shellfish aquaculture on the Eastern Shore of Virginia.
- For waters so designated, include a narrative criterion that would require applicants for point source dischargers to demonstrate that practicable alternatives to discharging pollutants to the listed waters have been evaluated and that the proposed discharge is the alternative that produces the least environmental impact.



Possible Changes To Water Quality Standards

- Existing water quality standards (WQS) for shellfish may need to be combined, clarified (public hearing requirements for permit issuances in condemned waters, policy for shellfish growing waters (9 VAC 25-370))



Consideration of Wastewater Disposal Alternatives

- Work with the VDH to discuss how best to coordinate management of on-site sewage disposal [e.g. septic systems] with discharging systems to best protect the quality of both surface water and ground water.
- Provide flexibility in the alternatives analysis procedure. Additional topics, such as cost, geographic restrictions, technological limitations and possible other issues could be evaluated for inclusion in the alternatives analysis procedure.
- Other alternatives may develop during comment period or ad hoc advisory committee.



Comments Received NOIRA

- Support for aquaculture protection
- Non- support for aquaculture protection
- Volunteers for TAC
- Concerns about TAC membership
- Concerns about central sewer needs
- Be comprehensive in water quality protection
- Expand beyond the Eastern Shore
- NOI RA was vague and too broad



Ad Hoc Technical Advisory Committee (TAC)

- 21 invited members
- Chosen and approved by DEQ management
- Representatives from Accomack-Northampton PDC, several Towns, VI MS agriculture, VDACS, aquaculture industry, developers, environmental groups, interested citizens,
- DEQ and VDH input



Aquaculture/Shellfish Rulemaking Schedule

2007

2008

2009

Aug Sep Oct Nov Dec Jan Feb Mar Apr May Jun Jul Aug Sep Oct Nov Dec Jan Feb Mar Apr May Jun Jul Aug Sep Oct Nov Dec



-  •NOI RA or NOPC Comment Periods
-  •DPB and Executive Reviews
-  •Public Comment Review, Ad Hoc Technical Advisory Committee (TAC), Proposal Development, Board Approval of Proposal for Public Hearing (September 08)
-  •Public Comment Review, Board Adoption (March or June 09)
-  •Final Publication, AGO Certification, EPA Approval, Effective Date

Next Steps

- Four TAC meetings
- March 18, April 24, May 22, June 19
- Eastern Shore
- Proposal Development

